

Judge Franklin D. Burgess

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	NO. CR06-5717FDB
	)	
vs.	)	SECOND STIPULATED ORDER
	)	CONTINUING DUE DATE
HENRY JAMES HOLST,	)	FOR PRE-TRIAL MOTIONS
	)	CUTOFF
Defendant.	)	
_____	)	

Before this court is a joint motion for a motion for continuance of the due date of the pre-trial motions which are presently scheduled for February 13, 2007.

A continuance is also requested as counsel for the defendant received a disc of discovery which consists of approximately 16,000 pages of financial records to review and additional time is needed to determine what pre-trial motions should be filed and to prepare for trial.

Assistant United States Attorney, David R. Jennings, has no objection to a continuance and joins in the motion.

Additionally, defendant Holst is not in custody.

Further, the defendant is aware of this motion, has no objection to a continuance, and joins in this motion.

SECOND STIPULATED ORDER CONTINUING  
DUE DATE FOR PRE-TRIAL MOTIONS - 1

LAW OFFICES OF  
**MONTE E. HESTER, INC., P.S.**  
1008 SOUTH YAKIMA AVENUE, SUITE 302  
TACOMA, WASHINGTON 98405  
(253) 272-2157


1  
2 That the court finds, after a consideration of all relevant information  
3 (including the affidavit filed by Brett A. Purtzer in support of the motion for a  
4 continuance) and the circumstances of this case, that without this continuance the  
5 defendant will be prejudiced and the ability to properly prepare for trial would be  
6 impaired. Failure to grant a continuance under these circumstances would result in a  
7 miscarriage of justice. The ends of justice would best be served by the granting of the  
8 motion for continuance to ensure continuity of counsel and adequate trial preparation.  
9 The ends of justice outweigh the best interests of the public and the defendant in having  
10 the matter brought to trial sooner.

11 For these reasons, the court finds the defendant's motion for continuance  
12 should be granted.

13 The motion cut-off date scheduled for February 13, 2007 is VACATED.  
14 Motion cut-off shall be RESCHEDULED TO March 13, 2007.

15 IT IS SO ORDERED.

16 DONE this 14<sup>th</sup> day of February, 2007.

17  
18   
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE

19 Presented by: LAW OFFICES OF MONTE E. HESTER, INC., P.S.

20 Attorneys for Henry James Holst

21 By: \_\_\_\_\_

Brett A. Purtzer

22 Approved by: UNITED STATES ATTORNEY'S OFFICE

By: \_\_\_\_\_

David Jennings

Assistant United States Attorney

23 SECOND STIPULATED ORDER CONTINUING  
DUE DATE FOR PRE-TRIAL MOTIONS - 2

LAW OFFICES OF  
**MONTE E. HESTER, INC., P.S.**  
1008 SOUTH YAKIMA AVENUE, SUITE 302  
TACOMA, WASHINGTON 98405  
(253) 272-2157